

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WEARABLE SHOE TREE LLC

Plaintiff,

v.

Civil Action No. 4: 24-cv-334-SDJ

THE INDIVIDUALS, BUSINESS ENTITIES, &
UNINCORPORATED ASSOCIATION IDENTIFIED ON
EXHIBIT 1,

Defendants.

DECLARATION OF CHARLES A. WALLACE

Charles A. Wallace, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. “I am over 18 years of age, of sound mind, and otherwise competent to make this Declaration. The evidence set out in this Declaration is based on my personal knowledge.
2. I am an attorney licensed to practice in the State of Texas, and I am an attorney at the law firm Scale LLP.
3. Wearable Shoe Tree LLC retained Scale LLP to represent it in this suit for trademark and patent infringement. I have personal knowledge of this case and of the work performed.
4. I have six years of experience in litigation, and have practiced as a civil attorney in the State of Texas for six years.

5. Wearable Shoe Tree LLC agreed to compensate Scale LLP for our work at the hourly fee of up to \$900 for Partners, up to \$750 for Counsel, up to \$550 for Associates, and up to \$300 for Paralegals.

6. Scale LLP has thus far spent 76.4 hours continuing this suit by (1) drafting letters and pleadings, (2) filing matters with the Court, and (3) taking other necessary actions to perform our legal services properly.

7. Based on our fee agreement, Wearable Shoe Tree LLC has thus far incurred attorney fees in the amount of \$48,627.50.

8. Attached to this Declaration are true and correct copies of the Scale LLP invoices for this matter, which provide a detailed description of hours and work performed to-date. No billable work has gone into this case since Plaintiff filed its Motions for Default Judgment and for Attorney's Fees (Dkts. 59, 60)."

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 24, 2025.

By: /s/ Charles A. Wallace
Charles A. Wallace
Counsel, Scale LLP

SCALE LLP

548 Market Street STE 86147
San Francisco, CA 94104
Phone: (415) 735-5933
Email: info@scalefirm.com
www.scalefirm.com

INVOICE

Invoice # 20984
Date: 08/07/2024
Due On: 08/22/2024

Wearable Shoe Tree LLC
[REDACTED]

04306-Wearable Shoe Tree LLC-v. DOES (EDTX)

Date	Notes	Quantity	Attorney	Rate	Total
03/18/2024	Begin developing Plaintiff's Original Complaint	1.70	CW	\$625.00	\$1,062.50
03/19/2024	Further development of Plaintiff's Original Complaint with facts section and framing-out of causes of action	2.30	CW	\$625.00	\$1,437.50
04/19/2024	Finalize and file case initiating documents	0.30	CW	\$625.00	\$187.50
04/22/2024	Edit initial pleadings	0.70	JC	\$700.00	\$490.00
05/03/2024	TRO hearing before Judge Sean D. Jordan	0.80	CW	\$625.00	\$500.00
05/29/2024	Substantive common law research re: prior relevant lawsuits	0.70	CW	\$625.00	\$437.50
05/30/2024	Finalize and file proposed preliminary injunction order	1.30	CW	\$625.00	\$812.50
05/30/2024	Case status and hearing prep	0.40	JC	\$700.00	\$280.00
05/31/2024	Settlement discussions with various defendants / defense counsel	4.30	CW	\$625.00	\$2,687.50
06/02/2024	Review pleadings and communications from opposing counsel to assist in preparation for preliminary injunction hearing	1.50	CW	\$625.00	\$937.50
06/03/2024	Settlement discussions with various defendants / defense counsel	2.70	CW	\$625.00	\$1,687.50
06/03/2024	Prepare for and attend preliminary injunction hearing; draft agreed terms for Heitner defendants	4.20	JC	\$700.00	\$2,940.00

06/04/2024	File notices of voluntary dismissal; review and analysis of court orders; settlement discussions with various defendants / defense counsel	4.90	CW	\$625.00	\$3,062.50
06/04/2024	Case prosecution strategy development in light of preliminary injunction hearing	3.40	JC	\$700.00	\$2,380.00
06/05/2024	Further settlement discussions with various defendants / defense counsel in light of preliminary injunction hearing	1.10	CW	\$625.00	\$687.50
06/06/2024	Prepare and file notice of dismissal; settlement discussions with various defendants / defense counsel	0.40	CW	\$625.00	\$250.00
06/07/2024	Develop materials on reset preliminary injunction hearing and send to each defendant and defense counsel per the court's order; follow-on settlement communications with various defense counsel; file notices of dismissal	1.30	CW	\$625.00	\$812.50
06/10/2024	Settlement discussions with various defendants / defense counsel	0.80	CW	\$625.00	\$500.00
06/15/2024	Settlement discussions with various defendants / defense counsel	0.20	CW	\$625.00	\$125.00
06/19/2024	Substantive settlement discussions with various defendants / defense counsel; prepare and file notice of dismissal	4.20	CW	\$625.00	\$2,625.00
06/20/2024	Settlement discussions with various defendants / defense counsel	0.60	CW	\$625.00	\$375.00
06/21/2024	Prepare for preliminary injunction hearing; draft and send settlement agreements to various defendants	2.00	CW	\$625.00	\$1,250.00
06/22/2024	Draft and send settlement agreements to various defendants	0.50	CW	\$625.00	\$312.50
06/24/2024	Final preparation for, and conducting of, preliminary injunction hearing; prepare and file supplementary briefing	3.70	CW	\$625.00	\$2,312.50
06/24/2024	Prepare for, travel to, and attend preliminary injunction hearing	3.00	JC	\$700.00	\$2,100.00
06/26/2024	Draft and send settlement agreements to various defendants	1.00	CW	\$625.00	\$625.00
06/28/2024	Settlement discussions with various defendants / defense counsel	0.80	CW	\$625.00	\$500.00
07/01/2024	Settlement communications with various defendants / defense counsel	0.70	CW	\$625.00	\$437.50
07/05/2024	Settlement communications with various defendants / defense counsel; draft various settlement agreements	2.80	CW	\$625.00	\$1,750.00

07/08/2024	Settlement communications with various defendants / defense counsel	2.50	CW	\$625.00	\$1,562.50
07/09/2024	Develop and file Summons Returned Executed document	1.30	CW	\$625.00	\$812.50
07/10/2024	Develop settlement agreements and send to various defendants for signature	1.20	CW	\$625.00	\$750.00
07/12/2024	Develop settlement agreements; develop and file notice of defendant dismissal	1.80	CW	\$625.00	\$1,125.00
07/15/2024	Develop and file notice of defendant dismissal; settlement communications with various defendants / defense counsel	2.00	CW	\$625.00	\$1,250.00
07/19/2024	Settlement communications with various defendants / defense counsel; draft various settlement agreements	1.00	CW	\$625.00	\$625.00
07/22/2024	Settlement communications with various defendants / defense counsel	1.40	CW	\$625.00	\$875.00
07/24/2024	Settlement communications with various defendants / defense counsel	0.80	CW	\$625.00	\$500.00
07/29/2024	Settlement communications with various defendants / defense counsel	0.50	CW	\$625.00	\$312.50
07/30/2024	Settlement communications with various defendants / defense counsel	0.80	CW	\$625.00	\$500.00
07/31/2024	Prepare motion for clerk's entry of default and corresponding proposed order; settlement discussions with various defendants	1.60	CW	\$625.00	\$1,000.00
08/01/2024	Finalize and file Motion for Clerk's Entry of Default and supporting materials	0.60	CW	\$625.00	\$375.00
08/06/2024	Begin development of Plaintiff's Motion for Default Judgment; conduct relevant common law research to support arguments	2.30	CW	\$625.00	\$1,437.50
08/07/2024	Fully develop, finalize, file, and serve Plaintiff's Motion for Default Judgment	6.30	CW	\$625.00	\$3,937.50

Time Keeper	Quantity	Rate	Total
James Creedon	11.7	\$700.00	\$8,190.00
Charles Wallace	64.7	\$625.00	\$40,437.50
		Subtotal	\$48,627.50
		Total	\$48,627.50

Statement of Account

Outstanding Balance	New Charges	Payments Received	Total Amount Outstanding
(\$0.00	+ \$48,627.50) - (\$0.00) = \$48,627.50

Account	Balance
Trust Accounts Balance	\$0.00
<div></div>	<div></div>
<div></div>	<div></div>

Please make payable to Scale LLP

To pay online by ACH: visit our website at scalefirm.com (For payments within the US)

Pay by ACH: Routing #322271627 | Account #80004027710

Pay by WIRE: JPMorgan Chase New York, NY 10017 | Routing 021000021 | Account #80004027710
(For International U.S. Dollar Wires: SWIFT Code: CHASUS33)

We no longer accept credit cards.

Thank you for your business.